

**STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
BOARD MEETING**

**MINUTES**

**April 26-29, 2004**

**(KEY: MSC = MOTION MADE, SECOND, CARRIED)  
(MSF = MOTION MADE, SECOND, FAILED)**

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:37 AM, MONDAY, APRIL 26, 2004, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. CHAIRMAN WAYNE HUNSUCKER, VICE CHAIRMAN SCOTT FARR AND MEMBERS BILL BERNT, AND WILL JUDGE WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, AND SECRETARY KIM WALLETT.

**Review of Agenda and February Board Minutes:** Director Howard reviewed the agenda and stated that the hearing on Tuesday may be stipulated and may not occur. He also stated that the Non-use Review scheduled for Wednesday morning has been cancelled due to Director Howard being out of the office for the previous two weeks being unable to prepare the use report. This will be rescheduled for the June or August Board meeting. The Allocation review scheduled for 1:15 pm will be moved to 8:30 am in place of non-use. Director Howard further stated that the show cause hearing scheduled for Thursday and Friday has been rescheduled for one half day on Thursday morning. The Board members expressed that Grant Simonds, IOGA, needs to be seen during this meeting to discuss issues.

MSC (MOTION BY JUDGE, SECONDED BY FARR – UNANIMOUS) TO ACCEPT FEBRUARY BOARD MEETING MINUTES WITH NO CHANGES MADE.

**DIRECTOR'S REPORT – Executive Director, Jake Howard:** Director Howard reviewed the financial report, the licensing report and the probationary licenses report with the Board. He also expressed that the on-line licensing system is working well and that the number of outfitters, designated agents, and guides using the system is higher than expected. The Director stated that the Licensing staff has been able to issue renewal licenses in less than four days and that so far no renewal licenses were backlogged. He said that the implementation of on-line renewals for guides has been very well received. He said that with the implementation of the fee increase next year, participation should continue to increase because licensing on-line will be less expensive. Director Howard expressed to the Board that the financial status of the IOGLB is staying in budget. The Board suggested to Director Howard that he change the name of the IOGLB Newsletter to the IOGLB Bulletin.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY JUDGE, SECOND BY FARR – HUNSUCKER, FARR, JUDGE, BERNT, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 9:00 AM TO DISCUSS PERSONNEL ISSUES. MSC (MOTION BY FARR, SECOND BY BERNT – HUNSUCKER,

FARR, JUDGE, BERNT - YEA) AT 9:34 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

**STAFF REPORTS – Technical Records Specialist I – Leanne Reincke:** Ms. Reincke presented reports detailing the current status of new applications, amendment requests, and buy/sell areas, that were completed since the February 2004 Board meeting. She also presented basic information with regard to allocation. More detailed information will be discussed at a later time in the meeting. The Board instructed staff to review the history and use of trail rides for Idaho Adventures, Inc. for further discussion at a later meeting. Director Howard brought to the Board's attention an increase in new outfitter applications for land based fishing in several parts of the State and asked the Board for direction. The Board clarified that historically land based fishing is assigned to land based (Big Game) outfitters as part of their individual operating areas. Otherwise, the only other land-based fishing that is authorized is outlined in Board Rule 58 or for boating outfitters identified under Rule 59 with a fishing designation, who in most instances can walk and wade as part of their boating license. They indicated that both Rule 58 and Rule 59 establish the capacity for particular areas. Director Howard informed the Board that several land based fishing only licenses were issued prior to his hiring two years ago and applications are continuing to be submitted. He asked the Board what to do with these licenses and the new requests. The Board instructed the Director to complete an analysis to determine an area's capacity and to determine existing outfitter use before they would consider additional fishing only outfitters who would overlap existing outfitters. The Board indicated that they felt some parameters would need to be established in area where overlapped fishing exists before additional fishing only licenses could be awarded. The Board asked the Director to identify those waters that could be added to those listed in Rule 058 and to audit all land based fishing only licenses in them. Board Member Judge mentioned an analysis of the Coeur d'Alene River Outfitter opportunities that he and Director Howard recently completed in cooperation with the IDFG and the USFS. He said that recognizing increased interest in the land based fishing only outfitters is important to the industry and he suggested that the Board become proactive in preparing to address this matter. Director Howard asked the Board if a table similar to that used to identify boating outfitter opportunities and resource capacities should be developed. The Board indicated that it would be considered and asked the Director to prepare a summary and a recommendation that they could consider at a subsequent Board meeting. Director Howard said that he would target the August Board meeting. Director Howard asked for clarification on how to respond to outfitters wanting to sell a portion of their business including a minor activity. The Board stated that a minor activity could only be sold with a major activity. They said if the outfitter had developed a minor activity such as fishing to a point where it could be a stand-alone (viable) business then it could be considered a major activity and it could be sold. The Board reminded the Director that activities and operating areas cannot be sold, only outfitter businesses.

**MSC (MOTION BY BERNT, SECONDED BY JUDGE – UNANIMOUS) THAT DIRECTOR HOWARD PREPARE A RESPONSE TO THE IDAHO FISH AND GAME DEPARTMENT IN RESPONSE TO THE LETTER REGARDING FISHING ON THE CLEARWATER RIVER IN ORDER TO CLARIFY THE BOARD'S POSITION.**

*Board Counsel Steve Scanlin arrived at 10:35 AM.*

**STAFF REPORTS – Steve Scanlin – Legislature & Rules Update:** Board Counsel Steve Scanlin stated that his current contract is coming up for review. He suggested that he would discuss the financial aspect of the contract with Director Howard. Mr. Scanlin also stated that he is running for legislature and will have to resign if he is elected. Board Member Scott Farr stated that he is being considered for a commission seat with the Idaho Department of Fish & Game and would also have to resign should he be appointed.

Board Counsel Scanlin presented the proposed rules in draft form. After much discussion, the Board asked Mr. Scanlin and Director Howard to make changes and present a final draft to the Board for further review prior to them being submitted for rule promulgation. Director Howard indicated that he would try to do this by May 14 and asked if it were acceptable, that unless any substantive issues arose with the Board during their individual reviews that he would submit the draft rules to the State Rules Coordinator to begin the formal rule making process. He would ask for a special meeting of the Board if any of the Board members had a substantive concern. He reminded the Board that comments would be taken during the formal rule making process and that he would advise the industry so they could participate. He said that a card will be sent to each outfitter advising them the rule make process is underway that would instruct them how to get a copy of the draft rules. He said the draft rules will be available on the IOGLB website and hard copies available for those who ask for them.

The Board asked Board Attorney Scanlin to research limiting the amount of times that a hearing scheduled before the Board may be continued and asked him to present a recommendation at the June meeting on how this growing problem can be addressed. The Board also asked Mr. Scanlin to assess the legality of the Clearwater Management Council and prepare a letter summarizing his finding that Director Howard can provide to them. They asked that this letter be prepared by the end of May. The Board asked Mr. Howard to contact IDFG to identify any issue they might have with removing “incidental” bobcat, chukar, and fishing from licensing.

***Recessed for lunch @ 12:22 PM and reconvened at 1:25 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt and Will Judge present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Enforcement Supervisor BJ Snooks, Technical Records Specialist Leanne Reincke, and Secretary Kim Walllett.***

**RIDGE TAYLOR – UNIT 45 ONE-TIME CONTROLLED HUNTS:** Mr. Taylor spoke to the Board with regard to one-time controlled hunts in Unit 45. The Board made the decision during their February meeting to not approve one time controlled hunts in Unit 45 during a three-year trial basis due to resource issues that they are working towards resolving with the IDFG, BLM and Department of Lands. Mr. Taylor requested that this decision be reconsidered based on the information that he provided showing that a large portion of his business is based on this type of hunt. The Board instructed Director Howard to uphold the previous Board decision to not allow one-time controlled hunts in Unit 45. The Board also reviewed an e-mail and a letter from White Cloud Outfitters regarding the one time controlled hunt opportunities in Unit 45. Director Howard was asked to prepare a letter to Mr. Taylor and White Cloud Outfitters to notify of them of their decision. The Board also asked IOGLB Staff to research when one-time hunts came into effect and whether they were intended to apply to controlled hunts or only to trophy hunts.

*Meeting recessed at 5:30 PM and reconvened at 8:40 AM, Tuesday, April 27, 2004, with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge, and Ray Lyon present. Also present were Executive Director Jake Howard, and Secretary Kim Wallett.*

**STAFF REPORTS – Enforcement Report – BJ Snooks – Enforcement Supervisor:** Mr. Snooks presented reports to the Board showing current cases being worked, cases that have been closed and the summary for the year. He told the Board that he had met with the Coast Guard recently and discussed boat licensing throughout the state. The Board feels that the main concern is the Snake River for the smaller powerboats. He also said that he met with FS and BLM in Idaho Falls and discussed potential problems in that area. Mr. Snooks stated that he has been very busy this spring and that he is considering bringing someone in on a part time basis to assist him in processing cases. He said that it has been hard to find someone with the law enforcement experience needed to appropriately handle the investigations related to these cases. Most retired law enforcement officers, or those wanting part time work, are not interested in working for the wage the Board offers, nor are they interested in office work. He told the Board that he recently completed the POST academy that is required for someone holding his position. Director Howard pointed out that Mr. Snooks finished at the top of his class. Mr. Snooks showed the current Clearwater boat sticker. He mentioned this was being done as a three-year trial and he felt the sticker program on the Clearwater was being a success. He said that he had discussed with Director Howard this sticker program implemented statewide. Mr. Snooks also showed the Board a new shirt with a badge and an arm patch delineating IOGLB Enforcement that is provided to the enforcement staff. Mr. Snooks expressed his interest in requiring background checks on new outfitter and new designated agent applicants. The Board asked him to work with Mr. Tobiason and the Director in putting together a specific recommendation.

The Board asked –Board Attorney Scanlin to research guide schools and non-profit organizations and the rational to license or not license them and present a report at the next meeting.

**APPLICATION REVIEW – KILLGORE ADVENTURES, HEATHER & KURTIS KILLGORE – Director Howard:** Also present for this discussion were Leanne Reincke, Technical Records Specialist; Jim Blair, The Last Resort; David Bingaman, Exodus Wilderness Adventures; LuVerne Grussing, BLM Cottonwood Field Office. Director Howard explained that the Board has recently completed a rule change regarding SA7 A&B that set the number of outfitters and boats on the River. He said that there were currently two powerboat openings on that SA7B section and IOGLB has received an amendment request to add this section of river from Killgore Adventures. In response to this, IOGLB solicited comments from surrounding outfitters, Mr. Blair and Mr. Bingaman both opposed this amendment and asked to appear before the Board, to further discuss the matter. Mr. Bingaman expressed concern and possible misunderstanding regarding the removal of this section from other outfitters. He stated that he was not aware that once this matter was concluded, that there would be additional permits available. He stated the he felt that more outfitters should be allowed to operate on this section. Mr. Blair expressed that he felt the prospectus and application process should be pursued for the available permits on SA7 A&B and that he is interested in applying. Director Howard expressed that discussions were held with Mr. Grussing and the decision was made not to pursue a prospectus in order to minimize the applications and that any application received would be handled individually as outlined in the MOU with the federal agencies. He pointed out that there

were no names on the waiting list of the SA7B section initiating a prospectus and a public application process.

MSC (MOTION BY BERNT, SECONDED BY FARR – UNANIMOUS) THE IOGLB AND BLM STAFF TO JOINTLY DEVELOP AND ADVERTISE A PROSPECTUS FOR THE REMAINING OPPORTUNITIES AVAILABLE ON SA7B. THE APPLICATIONS WILL BE LIMITED TO EXISTING OUTFITTERS CURRENTLY LICENSED ON THE SA 6, 7A & 8 SECTIONS OF THE SALMON RIVER. THE APPLICANTS WILL BE RANKED, PLACED ON THE WAITING LIST, AND APPROVED BASED ON THE AMOUNT OF OPPORTUNITIES AVAILABLE.

MSC (MOTION BY JUDGE, SECONDED BY BERNT – UNANIMOUS) THAT DIRECTOR HOWARD PREPARE A LETTER TO THE CURRENT OUTFITTERS LICENSED FOR THE SPECIAL SALMON SEASON ON SA7A INSTRUCTING THEM THAT THEY MUST REAPPLY FOR THE 2005 SEASON AND THE APPLICATION REVIEW WILL BE BASED ON THE PAST THREE YEARS OF USE REPORTS.

*Recessed for lunch @ 12:00 PM and reconvened at 1:15 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge and Ray Lyon present. Also present were Executive Director Jake Howard, Board Attorney Steve Scanlin, Enforcement Supervisor BJ Snooks, Technical Records Specialist Leanne Reincke, and Secretary Kim Walleit.*

#### **APPLICATION REVIEW – ORANGE TORPEDO TRIPS, DON STEVENS – Director**

**Jake Howard:** Also present for this discussion were Dale Hosley, prospective owner; LuVerne Grussing, BLM Cottonwood Field Office; Bill Runnoe, USFS North Fork RD; Marty Smith, Wilderness Trails Inc; Mike Smith, Wilderness Trails Inc; and Eric Smith, current co-owner of Orange Torpedo, via telephone conference. Mr. Stevens explained his history with the company and how he feels that Mr. Hosley will be an asset to the company and IOGLB. He also expressed the prospects that Mr. Hosley has to look forward to and work toward within the company. Director Howard provided a letter to the Board that was provided to Mr. Stevens, Mr. Hosley and Mr. Smith stating concern of the Board and the Federal agencies: The sales price, terms of the sale and a concern whether Mr. Hosley has a reasonable chance of generating significant income to make these payments. There is a concern that the business could revert back to Mr. Steven should another default occur. The outstanding bills left unpaid by Eric Smith for approximately two hundred fifty thousand (\$250,000). The Board needed to clarify the role of each individual involved. Board Counsel Scanlin pointed out that the Board's standard operating procedure with regard to these matters is that no license will be issued prior to full payment being made or documentation showing payment arrangements. Mr. Runnoe and Mr. Grussing indicated that the USFS and BLM had similar concerns and Mr. Runnoe indicated that an audit of the sale was being conducted by the USFS. The Board expressed that they will further consider this matter and will await the decision from the Agencies. Upon receiving that decision the Board will hold a discussion either at the IOGLB office or via conference call to make a final decision on the license as a result of this sale/transfer of the business. The Board indicated that all outstanding bills must be either paid or a formal agreement with the payee agreeing to the terms of payment must be submitted to the Board before a license will be issued.

**STEVE TOBIASON – SHOW CAUSE HEARING – JARED IBARRA:** Also present for this hearing were Leanne Reincke, Technical Records Specialist; BJ Snooks, Enforcement Supervisor; Chris Wright, IDFG Conservation Officer; Don Gallagher, President of Jagged Edge Outfitters; and John Hinton, attorney for Mr. Ibarra. Mr. Ibarra appeared before the Board on three counts (Unethical/Unprofessional Conduct, F&G Conviction, and Waste of a Game Animal). Mr. Tobiason presented a written and signed stipulation and consent agreement for informal disposition. This stipulation stated that Mr. Ibarra will plead guilty to counts one and two and that count three will be dismissed. This stipulation also dictated that a fine or cost recovery could be assessed. Mr. Ibarra will also be put on two-year probation concurrent to the current probation. During the review of this matter the Board concluded that Mr. Ibarra did not understand the fundamentals of caring for a harvested animal and his lack of responsiveness to explain his actions was of concern. The Board asked Director Howard to contact Mr. Gallagher to inform him the Board would strongly recommend that Jagged Edge Outfitters acquire a more experienced designated agent and guide to assist Mr. Ibarra in operating an outfitter business in Idaho.

**MSC (MOTION BY FARR, SECONDED BY LYON – UNANIMOUS) TO ACCEPT THE STIPULATION AS PRESENTED BY MR. TOBIASON AND SIGNED BY MR. IBARRA.**

*Meeting recessed at 4:50 PM and reconvened at 8:30 AM, Wednesday, April 28, 2004, with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge, and Ray Lyon present. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, and Secretary Kim Wallett.*

**REVIEW OF UNIT 18 CONTROLLED HUNT TAG CALCULATION – Director Jake Howard:** Also present for this discussion were Leanne Reincke, Technical Records Specialist; Grant Simonds, IOGA Executive Director; Tim Craig, Boulder Creek Outfitters; Ray Ralls, Bigfoot Outfitters; Harlan and Barb Opdahl, Triple O Outfitters. Director Howard gave the Board a brief history of the matter and the outcome of the distribution of tags. Through research and recalculation the determination was that from a total of 9 tags; Bigfoot Outfitters would receive 4 tags, Idaho Outdoor Adventures would receive 3 tags, and Boulder Creek Outfitters would receive 2 tags.

***Recessed for lunch @ 12:00 PM and reconvened at 1:28 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge and Ray Lyon present. Also present were Executive Director Jake Howard, Board Attorney Steve Scanlin, and Secretary Kim Wallett.***

**STAFF REPORTS – Technical Records Specialist I – Leanne Reincke – Allocation Report:** Also present for this discussion were Grant Simonds, IOGA Executive Director; Harlan and Barb Opdahl, Triple O Outfitters; Tim Craig, Boulder Creek Outfitters. Board members Farr and Judge proposed that any allocation recalculations be put on hold until the entire program can be reviewed. The Board instructed Director Howard to write a letter to Lolo Outfitters informing them that the recalculation will be revisited and they will be kept up to date of the possible changes.

**STEVE TOBIASON – SHOW CAUSE HEARING – CHAD GALLAGHER:** Mr. Gallagher was properly notified of the hearing but did not appear before the Board on this matter. The Board has conducted a hearing with regard to Northern Idaho High Country Outfitters in February that resulted in the revocation of their license. Mr. Gallagher was Designated Agent for Northern Idaho High Country Outfitters. Because that license had been revoked, Mr. Gallagher no longer holds a current license. Mr. Tobiason presented the Board with the charges against Mr. Gallagher, which included two counts of Conviction of a Felony, both of which are violations of the Outfitters and Guides Act. Mr. Gallagher appeared in Washington State with regard to the original charges and pled guilty to two of the ten counts. Mr. Tobiason also presented the Investigation Report with regard to the original charges.

**MSC (MOTION BY FARR, SECONDED BY LYON – UNANIMOUS) TO REVOKE THE LICENSE OF MR. GALLAGHER. TO ASSESS A FINE OF \$5,000.00 AS IT RELATES TO COUNT 1, AND COSTS AS IT RELATES TO COUNT 2, TO BE DETERMINED AT A LATER DATE. THIS DECISION WILL ALSO BE REFLECTED IN THE PREVIOUSLY LICENSED OUTFITTERS FILE.**

*Meeting recessed at 5:30 PM and reconvened at 8:35 AM, Thursday, April 29, 2004, with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge, and Ray Lyon present. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, and Secretary Kim Wallett.*

**STEVE TOBIASON – SHOW CAUSE HEARING – JOHN B. BENDIXSON:** Also present for this hearing were BJ Snooks, Enforcement Supervisor; Ron Dickemore, USFS; Tony Latham, IDFG Conservation Officer; Dwight Scudder, IDFG Conservation Officer. Mr. Bendixson appeared before the Board on 11 counts of board violations. Mr. Tobiason stated that Mr. Bendixson would plead guilty to counts 1 through 5 with counts 6 through 11 being dismissed. Mr. Tobiason presented a copy of the Amended Criminal Complaint from Bonneville County, Factual information report of investigation from IDFG, and Formal IDFG Report of Investigation. This matter was inclusive of the Corporation and Mr. Bendixson. Mrs. Bendixson, owner/operator of Glassy Point, has hired an attorney and stated that she misunderstood that the corporation was included in this. Therefore, based on what the Board determines with regard to Mr. Bendixson, any possible case against Glassy Point may be continued to a later date. The Board asked that if this continuance is granted, the matter be expedited as soon as possible. The criminal charges in Bonneville County that were filed only applied to Mr. Bendixson and not the corporation. It was recommended to the Board that the license of Mr. Bendixson be revoked and that costs and/or fines be imposed with regard to all five counts.

**MSC (MOTION BY FARR, SECONDED BY LYON – UNANIMOUS) TO REVOKE THE DESIGNATED AGENT AND GUIDE LICENSE OF MR. BENDIXSON. TO BE ASSESSED ADMINISTRATIVE COSTS IN AN AMOUNT TO BE DETERMINED AT A LATER DATE. TO ASSESS FINES IN THE AMOUNT OF \$500.00 FOR COUNT TWO AND \$1,000.00 FOR COUNTS THREE, FOUR, AND FIVE. MR. BENDIXSON WILL HAVE THIRTY (30) DAYS TO PAY OR MAKE ARRANGEMENTS FOR PAYMENT OF THE COSTS AND FINES. RELICENSURE WILL NOT BE CONSIDERED FOR A PERIOD OF FIVE YEARS, UNTIL 2009. THE CHARGES AGAINST THE OUTFITTER WILL BE CONTINUED UNTIL A FUTURE DATE.**

The Board instructed Director Howard to arrange a meeting with Mrs. Bendixsen to determine how she intends to operate this outfitter business and to discuss other related matters.

**Clearwater National Forest needs assessment on outfitted fishing:** Mr. Grant Simonds, IOGA Executive Director spoke with the Board with regard to this matter and discussed a document that detailed the time line for this assessment. This information has been disseminated to the industry. The Board expressed their concern with regard to the validity of the assessment and the potential impact that it might have on the outfitters in the Clearwater National Forest. The Board encouraged Mr. Simonds to keep them informed of the IOGA action on this matter.

***Recessed for lunch @ 12:05 PM and reconvened at 1:17 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge and Ray Lyon present. Also present were Executive Director Jake Howard, Board Attorney Steve Scanlin, and Secretary Kim Wallett.***

**STAFF REPORTS – Steve Scanlin – Legislature & Rules Update:** The Board continued the review of proposed rules with Board Counsel Scanlin. Mr. Scanlin will make all discussed changes and provide a revised copy to the Board for review and adoption at a future meeting.

*With no further business to come before the Board, the meeting was adjourned at 3:00 PM, April 29, 2004.*

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WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

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JAKE HOWARD, EXECUTIVE DIRECTOR